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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION	
In re: BETTER NUTRITIONALS, LLC,	CASE NO.: 6:22-bk-14723-MH CHAPTER: 7
Debtor(s)	NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: <i>(title of motion¹)</i>: <u>Motion to Approve Compromise with Goli</u> <u>Nutrition, Inc. (Canada)</u>

PLEASE TAKE NOTE that the order titled Order Granting Chapter 7 Trustee's Motion to Approve Compromise with Goli Nutrition, Inc., (Canada); Authorizing Release of Client Trust Funds From Debtor's Counsel

was lodged on (date) 10/18/2024 and is attached. This order relates to the motion which is docket number 1053.

¹ Please abbreviate if title cannot fit into text field.



Bankruptcy LODGED ORDER UPLOAD FORM

Friday, October 18, 2024

CONFIRMATION :

Your Lodged Order Info:
(**11311448.doc**)
[A new order has been added](#)

- **Office:** [Riverside](#)
- **Case Title:** [Better Nutritionals, LLC](#)
- **Case Number:** [22-14723](#)
- **Judge Initial:** [MH](#)
- **Case Type:** [bk \(Bankruptcy \)](#)
- **Document Number:** [1053](#)
- **On Date:** [10/18/2024 @ 02:06 PM](#)

Thank You!

United States Bankruptcy Court
Central District of California
Edward R. Roybal Federal Building and Courthouse
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Los Angeles, CA 90012

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LARRY D. SIMONS
8

9 UNITED STATES BANKRUPTCY COURT
10 CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION
11

12 In re
13 BETTER NUTRITIONALS, LLC,
14 Debtor.
15
16
17

Case No. 6:22-bk-14723-MH

Chapter 7

ORDER GRANTING CHAPTER 7
TRUSTEE'S MOTION TO APPROVE
COMPROMISE WITH GOLI NUTRITION,
INC. (CANADA); AUTHORIZING
RELEASE OF CLIENT TRUST FUNDS
FROM DEBTOR'S COUNSEL

Hearing:

Date: October 9, 2024

Time: 11:00 a.m.

Ctrm: 301

Address: 3420 Twelfth Street
Riverside, CA 92501

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21 On October 9, 2024, the Court conducted a hearing on the motion filed by Larry D. Simons,
22 in his capacity as the chapter 7 trustee ("Trustee") for the bankruptcy estate ("Estate") of Better
23 Nutritionals, LLC ("Debtor"), to approve a settlement and compromise with Goli Nutrition, Inc.
24 (Canada) ("Goli"), filed on June 19, 2024, as Docket No. 1053 ("Goli Settlement Motion"). At the
25 hearing, Tinho Mang of Marshack Hays Wood LLP appeared on behalf of the Trustee, who was also
26 present. Latisha V. Thompson of Morrison Cohen LLP appeared on behalf of Goli. David
27 Haberbush appeared on behalf of creditor and objecting party Sharon Hoffman ("Hoffman"), who
28 was also present in the courtroom. All other appearances were as noted on the record.

As stated on the record, the Court has read and considered the Motion and evidence attached to the Motion, the memorandum of points and authorities filed by Hoffman on July 16, 2024, as Docket No. 1064, which was previously stricken by order entered as Docket No. 1079, the Trustee's initial reply filed on July 24, 2024, as Docket No. 1074, the statements of the parties and counsel on the record at the initial hearing on July 31, 2024, and the further supplement filed by the Trustee on August 14, 2024, as Docket No. 1082 and evidence and declarations attached thereto, the further opposition filed by Hoffman on September 23, 2024, as Docket No. 1105, and the Trustee's further reply filed on October 2, 2024, as Docket No. 1122. The Court has also noted the stipulations between Trustee and Hoffman to continue the hearing on the Goli Settlement Motion, which are Docket Nos. 1057 [6/28/2024] and 1107 [9/26/2024]. At the hearing, the Court considered the documents and evidence filed by the Trustee and Hoffman, and heard the statements of counsel and the parties on the record. For the reasons stated on the record, the Court found that Trustee had carried his burden of proof under Federal Rule of Bankruptcy Procedure 9019 and overruled the opposition of Hoffman. Hoffman also stated a competing offer on the record, which was not accepted by the Trustee and did not constitute an accepted overbid.

IT IS ORDERED:

1. The Motion, as supplemented, is GRANTED.
2. The settlement agreement attached to the Declaration of Larry D. Simons as Exhibit "1" ("Settlement Agreement") and the mutual waivers and releases contained therein, are approved. For the avoidance of doubt, the Court approves the waivers and releases as to the bankruptcy estate's claims set forth in the Settlement Agreement.
3. The motion filed by Goli as Docket No. 633 seeking allowance of administrative priority claims ("Goli Claim Motion") is deemed withdrawn and is resolved by settlement, with prejudice. The continued hearing on November 13, 2024 at 2:00 p.m. is vacated.
4. The proof of claim filed by Goli, assigned claim number 197-1, is deemed waived and released in its entirety, with prejudice.
5. In accordance with paragraph 2(c) of the Agreement, the \$158,358.80 of funds (the "Funds") currently held in the trust account of Danning, Gill, Israel & Krasnoff, LLP ("Danning

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **October 18, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL**: On _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

RTD 07/05/23 UTF
DEBTOR
BETTER NUTRITIONALS, LLC
3390 HORSELESS CARRIAGE DRIVE
NORCO, CA 92860-3635

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL**: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **October 18, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

<u>VIA OVERNIGHT MAIL:</u> <u>PRESIDING JUDGE'S COPY</u> HONORABLE MARK D. HOULE UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA 3420 TWELFTH STREET, SUITE 325 / COURTROOM 301 RIVERSIDE, CA 92501-3819	VIA EMAIL: LATISHA V. THOMPSON lthompson@morrisoncohen.com	VIA EMAIL: MAX FOLKENFLIK mfolkenflik@fmlaw.net
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☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

October 18, 2024
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): CONTINUED:

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